

# House File 444 - Introduced

HOUSE FILE 444

BY R. OLSON

## A BILL FOR

1 An Act relating to the impoundment of a motor vehicle owned or  
2 operated by a person convicted of a second or subsequent  
3 operating-while-intoxicated offense.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321J.4B, subsection 2, paragraph a, Code  
2 2011, is amended to read as follows:

3 a. A motor vehicle is subject to impoundment ~~in the~~  
4 ~~following circumstances:~~

5 ~~(1) If a person operates a vehicle in violation of section~~  
6 ~~321J.2, and if convicted for that conduct, the conviction would~~  
7 ~~be a second or subsequent offense under section 321J.2.~~

8 ~~(2) If~~ if a person operates a vehicle while that person's  
9 driver's license or operating privilege has been suspended,  
10 denied, revoked, or barred due to a violation of section  
11 321J.2.

12 Sec. 2. Section 321J.4B, subsection 3, unnumbered paragraph  
13 1, Code 2011, is amended to read as follows:

14 The motor vehicle operated by the person in the commission of  
15 any the offense included specified in subsection 2, paragraph  
16 "a", may be immediately impounded or immobilized in accordance  
17 with this section.

18 Sec. 3. Section 321J.4B, subsection 4, unnumbered paragraph  
19 1, Code 2011, is amended to read as follows:

20 An owner of a motor vehicle impounded or immobilized under  
21 this section, who knows of, should have known of, or gives  
22 consent to the operation of, the motor vehicle in violation of  
23 subsection 2, paragraph "a", ~~subparagraph (2)~~, shall be:

24 Sec. 4. Section 321J.4B, subsection 5, paragraph b, Code  
25 2011, is amended by striking the paragraph.

26 Sec. 5. Section 321J.4B, subsection 6, Code 2011, is amended  
27 to read as follows:

28 6. Upon conviction of the defendant for a second  
29 or subsequent violation of subsection 2, paragraph "a",  
30 ~~subparagraph (2)~~, the court shall order, if the convicted  
31 person is the owner of the motor vehicle used in the commission  
32 of the offense, that that motor vehicle be seized and forfeited  
33 to the state pursuant to chapters 809 and 809A.

34 Sec. 6. Section 809A.3, subsection 4, paragraph b, Code  
35 2011, is amended to read as follows:

1     *b.* A second or subsequent violation of section 321J.4B,  
2 subsection 2, paragraph "a", ~~subparagraph (2).~~

### EXPLANATION

4 This bill relates to impoundment of a motor vehicle owned  
5 or operated by a person convicted of a second or subsequent  
6 operating-while-intoxicated offense.

7 The bill eliminates the requirement that a person's  
8 motor vehicle be impounded if the person operates the  
9 motor vehicle in violation of Code section 321J.2 (Iowa's  
10 operating-while-intoxicated law), and if convicted for that  
11 conduct, the conviction would be a second or subsequent  
12 operating-while-intoxicated offense.

13 The bill makes conforming Code changes to other provisions  
14 relating to impoundment in Code section 321J.4B and conduct  
15 giving rise to forfeiture (Code section 809A.3).